



IDAHO DEPARTMENT OF HEALTH & WELFARE

DIRK KEMPTHORNE – Governor
KARL B. KURTZ – Director

DIVISION OF MEDICAID
DAVID A. ROGERS – Administrator
3232 Elder Street
P.O. Box 83720
Boise, Idaho 83720-0036
PHONE: (208) 334-5747
FAX: (208) 364-1811

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To All Residential Care or Assisted Living Stakeholders:

The proposed Residential Care or Assisted Living administrative rules were approved by the Health and Welfare Committees of the Idaho Legislature on February 2, 2006. The rules now become part of a joint resolution that will be acted upon by the entire Legislature later this session.

The rules will go into effect when the Legislature adjourns. That exact date is dependent on when the Legislature completes its work; it will most likely be sometime in the last two weeks of March. For planning purposes, April 1 is a good date to use.

There were three modifications made to the rules that went before the Board of Health and Welfare in October. The actual letter that went to the Committee Chairmen outlining those changes is at Attachment 1 to this document.

1. The Department agreed to promulgate a temporary rule “at the first window of opportunity” to extend the “grandfather clause” that exists in present rule at Section 500.03.
 - That “grandfather clause” allowed facilities licensed for level 3 clients that were continuously licensed since July 1, 1992, to be exempt from sprinkler requirements. There are 28 “grandfathered” level 3 facilities in the state.
 - Each one of those 28 facilities will receive a letter by the end of February from the Department explaining the proposed rule and how it may impact them in the future.
 - The new rule will allow that “grandfathering exemption” to continue until July 1, 2010. After that date, all facilities housing clients who cannot self-evacuate are required to have sprinklers.
2. The Department also committed to help research and find potential funding sources to help providers fund and install sprinkler systems.
3. Working with interested stakeholders, the Department agreed to delete eleven sections of rule. Those items were negotiated and approved by industry providers, advocates and the Department. Those deletions are listed in Attachment 2 to this letter.

The Department is currently working on updating self inspection guides, training materials, and presentations to help educate providers and surveyors. We will be providing locations, dates, and times where the educational programs will be provided to you in the near future. We understand there may be some apprehension over new rules and potential changes to your business. We ask that you be patient and give us a week or two to get our plans fleshed out.

While the rules may have changed somewhat, it is important to note that the overall goal and direction of the program has not changed. The goal is still to provide a humane, safe, and homelike living arrangement for residents where their health, safety, and rights are protected. For most of you, it is a mere continuation of the quality care you have been providing for years.

I look forward to seeing you and talking with you in the near future as we take the new training around the state.

Sincerely,

A handwritten signature in cursive script that reads "Randy May".

Randy May
Deputy Administrator

RM/nm

Attachment 1 – Letter to Chairmen of Senate and House Health and Welfare Committees

Attachment 2 – Agreed-to Deletion of Eleven Sections of Rule